

WINCHESTER CITY COUNCIL

At an Ordinary Meeting of the Council as held in the Guildhall, Winchester on 6 January 2016.

Attendance:

Councillor Clear (The Mayor in the Chair) (P)

Councillors:

Achwal	Mather (P)
Berry E (P)	Maynard (P)
Berry J (P)	McLean (P)
Bodtger	Miller (P)
Byrnes (P)	Newman-McKie (P)
Burns (P)	Osborne (P)
Cook Simon (P)	Pearson (P)
Cook Susan (P)	Phillips (P)
Cutler (P)	Power (P)
Dibden (P)	Prowse
Evans	Read (P)
Fancett (P)	Ruffell L (P)
Gemmell (P)	Ruffell T
Godfrey (P)	Rutter (P)
Gosling (P)	Sanders (P)
Gottlieb (P)	Scott (P)
Green (P)	Scowen (P)
Hiscock (P)	Southgate (P)
Horrill (P)	Stallard (P)
Humby (P)	Tait (P)
Hutchison (P)	Thacker (P)
Huxstep (P)	Thompson (P)
Izard (P)	Tod (P)
Jeffer	Twelftree (P)
Johnston (P)	Warwick (P)
Laming (P)	Weir (P)
Lipscomb (P)	Weston (P)
Mason (P)	Wright (P)

1. **MINUTES**

RESOLVED:

That the minutes of the Ordinary Meeting of the Council held on 4 November 2015 (less exempt minute) be approved and adopted.

2. **COMMUNICATIONS FROM THE MAYOR**

The Mayor reported that she had written letters to the following people who lived or worked in the District, to congratulate them on their awards in the New Year's Honours List:-

Professor Nicholas Robert Jennings – Chief Scientific Adviser for National Security and Regius Professor, University of Southampton.

Mr Andrew John Smith, Chief Executive, Hampshire County Council.

Mr Ronald Morton Crank, Lately Chief Executive, Coast to Capital Local Enterprise Partnership.

Mrs Angela Margaret Forder-Stent, Twyford, Hampshire.

The Mayor then informed the meeting that she would be pleased to receive Members' nominations for people who deserved to be recognised for the work they performed in the community, through the Mayor's Awards for 2015/16. The event would be held in the Bapsy Hall, Guildhall on Wednesday 2 March 2016 at 6pm.

The Mayor also announced that the Private View of the Mayor's Choice will be held at City Space in the Discovery Centre, Winchester from Thursday 21 January 2016.

Finally, the Mayor drew attention to some forthcoming Charities events. Firstly, the Mayor's Charities Race Night at the Wickham Community Centre on 26 February 2016 – tickets available from Councillor Evans. Other events were on Friday 15 April, the Annual Quiz Night in the Guildhall, and on Friday 11 March, the Masked Ball.

3. **COMMUNICATIONS FROM THE LEADER**

The Leader announced the "Eat Out Eat Well" initiative which encouraged food businesses to support healthier eating. Businesses can sign up via the Environmental Health team at the Council.

The Leader also drew Member's attention to information on the Council's website with regard to flooding. He reported that rivers were currently approximately 10% lower than what was usual at this time of year.

The Leader announced that Hampshire Youth Options were currently looking to dispose of the King Alfred Youth Activity Centre, but would reinvest the receipt in other facilities in Winchester. He confirmed that they would not be applying for core funding and officers would work closely with other providers to ensure youth support facilities were available in the Winnall area of Winchester.

The Leader also reported that the Mayor yesterday met with a delegation from East China which was interested in hearing about how local government worked with technology and in partnership with local businesses.

Finally, the Leader drew Members' attention that he had been previously tasked by Cabinet in December 2015 to write to Silverhill Winchester No.1 Limited (SW1) requesting clarification of what work had been undertaken to ensure the Development Agreement became unconditional. He reported that a response had now been received and that this will be published as part of the Cabinet report on the matter to be considered next week. The Leader advised that he had yet to have been briefed on the content of the letter, including on any legal matters. However, in summary, SW1 confirmed that it did not expect to be in a position to make the scheme unconditional before the Compulsory Purchase Order expired in 19 March 2016. Finally, he reminded Council that Cabinet would consider the matter in detail at its meeting next week in advance of the matter being considered at the Special Council meeting on 28 January.

4. **DISCLOSABLE PECUNIARY INTERESTS**

Having regard to their roles as Hampshire County Councillors, Councillors Humby, Huxstep, Mather, Stallard and Tod each declared a disclosable pecuniary interest in any matter on the agenda which may have a County Council involvement. Councillor Godfrey made the same declaration due to his role as a County Council employee as did Councillor Thacker, whose husband was a Hampshire County Councillor. However, as there were no material conflicts of interest, they all remained in the room under the dispensation granted on behalf of the Standards Committee, to participate and vote in all such matters.

Councillors Janet Berry, Green and Scott, declared disclosable pecuniary interests in respect of agenda item 6 (b) Housing Revenue Account (HRA) Revised Budget, Business Plan and Budget Options Report (Report CAB2738(HSG) and CL120 refers) as tenants of Winchester City Council, however, as there were no material conflicts of interest, they all remained in the room under the dispensation granted on behalf of the Standards Committee, to participate and vote in all such matters.

Councillor Gottlieb declared a personal, but not prejudicial interest in the Notice of Motion on the agenda that related to the Silver Hill development proposals due to him being a member of the Winchester Deserves Better campaign group. He indicated, however, that he did not propose to participate or vote in any debate. However, Councillor Burns later withdrew the motion and no further discussion took place.

5. **QUESTIONS UNDER COUNCIL PROCEDURE RULE 14**

1. People for Places and a new Leisure Centre at Bar End, Winchester .

The Leader, Councillor Godfrey, answered a question from Councillor Laming.

2. Employment figures for the District

The Portfolio Holder for Local Economy, Councillor Byrnes, answered a question from Councillor Osborne.

3. Review of Scrutiny Processes.

The Leader, Councillor Godfrey, answered a question from Councillor Thompson.

4. Footfall and Spending in Winchester City Centre

The Portfolio Holder for Local Economy, Councillor Byrnes, answered a question from Councillor Mather.

5. District Energy Heating Schemes

The Portfolio Holder for Environment, Health and Wellbeing, Councillor Pearson, answered a question from Councillor Tod.

6. Empty Homes Strategy

The Portfolio Holder for Housing Services, Councillor Horrill, answered a question from Councillor Burns.

7. Waste Reduction, Recycling and Reuse

The Portfolio Holder for Environment, Health and Wellbeing, Councillor Pearson, answered a question from Councillor Weir.

8. Leader Funding

The Portfolio Holder for Local Economy, Councillor Byrnes, answered a question from Councillor Gemmell.

9. Publicity for the Council's New Build Programme

The Portfolio Holder for Housing Services, Councillor Horrill, answered a question from Councillor Green.

10. Response to Flooding

The Leader, Councillor Godfrey, answered a question from Councillor Gottlieb.

11. Estate Improvements

The Portfolio Holder for Housing Services, Councillor Horrill, answered a question from Councillor Scott.

12. Public Questions at Council Meetings

The Leader, Councillor Godfrey, answered a question from Councillor J Berry.

13. Hampshire Community Bank

The Leader, Councillor Godfrey, answered a question from Councillor Hiscock.

14. Commercial Refuse Bins in Winchester

The Portfolio Holder for Environment, Health and Wellbeing, Councillor Pearson, answered a question from Councillor Tait.

15. Traffic Regulation Orders in Stanmore

The Portfolio Holder for Environment, Health and Wellbeing, Councillor Pearson, answered a question from Councillor Prowse.

16. Independent Silver Hill Inquiry

The Leader, Councillor Godfrey, answered a question from Councillor Lipscomb.

17. Lloyd-Jones Independent Review

The Leader, Councillor Godfrey, answered a question from Councillor Laming.

18. Henderson Appeal Costs

The Leader, Councillor Godfrey, answered a question from Councillor Hiscock.

19. Housing Commission

The Portfolio Holder for Housing Services, Councillor Horrill, answered a question from Councillor J Berry.

20. Doorstep Collection of Waste Food

The Portfolio Holder for Environment, Health and Wellbeing, Councillor Pearson, answered a question from Councillor Tod.

21. Green Energy Pledge

The Portfolio Holder for Environment, Health and Wellbeing, Councillor Pearson, answered a question from Councillor J Berry.

22. Evaluation of 20mph Schemes

The Portfolio Holder for Environment, Health and Wellbeing, Councillor Pearson, answered a question from Councillor J Berry.

23. Organisational Development

The Leader, Councillor Godfrey, answered a question from Councillor Simon Cook.

6. **CONSIDERATION OF RECOMMENDED MINUTES**

a) **Cabinet – 2 December 2015**
The Overview and Scrutiny Committee - 7 September 2015

Draft Portfolio Plans 2016/17

The Leader of the Council, Councillor Godfrey, moved that the updated recommendations in Report CL119 be approved and adopted. The item was seconded by the Portfolio Holder for Service Delivery, Councillor Weston.

RESOLVED:

1. That the recommendations contained in Report CL119 be approved and adopted.
2. That Cabinet Recommended Minute 416, be noted.
3. That The Overview and Scrutiny Committee Recommended Minute 459, be noted.

b) **Cabinet (Housing) Committee – 30 November 2015**

Housing Revenue Account (HRA), Revised Budget, Business Plan, and Budget Options Report

The Leader, Councillor Godfrey, moved that the Cabinet (Housing) Committee Recommended Minute in Report CL120 be approved and adopted. The item was seconded and introduced by the Portfolio Holder for Housing, Councillor Horrill.

As more than a quarter of the Council present indicated that it was their wish, the Mayor agreed that a recorded vote be taken.

Division Lists

The following Members voted in favour of the recommendation:-

Councillors E Berry, Burns, Byrnes, Clear, Susan Cook, Dibden, Gemmell, Godfrey, Gottlieb, Horrill, Humby, Huxstep, Izzard, Johnston, Laming, Lipscomb, Mason, Mather, Mclean, Miller, Osborne, Pearson, Phillips, Read, L Ruffell, Sanders, Scowen, Southgate, Stallard, Tait, Thacker, Twelftree, Warwick, Weston and Wright.

The following Members voted against the recommendation:-

Councillors Power, Scott, Thompson, Tod and Weir.

The following Members abstained from voting:-

Councillors J Berry, Simon Cook, Cutler, Fancett, Gosling, Hiscock, Hutchison, Newman-Mckie and Rutter.

RESOLVED:

That the Cabinet (Housing) Committee Recommended Minute contained in Report CL120 be approved and adopted.

c) **Audit Committee – 3 December 2015**

Treasury Management Mid-Year Review 2015/16

The Leader, Councillor Godfrey, moved that Recommended Minute 451 be approved and adopted.

RESOLVED:

That Recommended Minute 451 of the Audit Committee be approved and adopted.

d) **Cabinet – 2 December 2015**
The Overview and Scrutiny Committee – 7 December 2015

Electoral Review of Hampshire: Draft Recommendations

The Leader of the Council, Councillor Godfrey, moved that Cabinet Recommended Minute 423 be approved and adopted.

RESOLVED:

1. That Cabinet Recommended Minute 423 be approved and adopted.

2. That the Recommended Minute 463 of The Overview and Scrutiny Committee, be noted.

e) **Cabinet – 2 December 2015**
The Overview and Scrutiny Committee – 7 December 2015

Review of Local Council Tax Reduction Scheme

The Leader of the Council, Councillor Godfrey, moved that the recommendations in Report CL118 be approved and adopted. It was agreed that recommendation 1 c) be clarified by the insertion of 'per week' in relation to the financial limits. The item was seconded by the Portfolio Holder for Service Delivery, Councillor Weston.

RESOLVED:

1. That the local Council Tax Reduction Scheme proposed in the Report CAB2740 be adopted as follows:
 - a. Base the local Council Tax Reduction (CTR) Scheme for 2016/17 on the scheme adopted for 2015/16 with amendments to reflect wider legislative change to Council Tax Reduction and other related legislation;
 - b. Increase components in the CTR calculation in line with the increases the DWP & DCLG provide for in the Housing Benefit Regulations 2006 (as amended) and the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012 (as amended) for 2016/17;
 - c. Increase income disregards for working age claimants further so that single claimants have the first £35 per week of earned income disregarded and others have the first £70 per week of earned income disregarded (single claimants who are disabled or lone parents will be eligible for the £70 per week disregard);
 - d. Continue to disregard 100% of certain payments (for working age and pensioner age customers) made under the War Pension and Armed Forces Compensation Scheme.
2. That the local Council Tax Reduction Scheme at Appendix A, circulated electronically to all Members, be approved.

3. That the Deputy Head of Revenues be authorised to finalise the figures annotated with an asterisk in Appendix A to correspond with the uprated amounts the DWP & DCLG provide for in the Housing Benefit Regulations 2006 (as amended) and the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012 when they are published.

4. That the Deputy Head of Revenues be authorised to make minor editing amendments to the local Council Tax Reduction Scheme, as necessary, and be authorised to make amendments to reflect wider legislative changes to Council Tax Reduction and other related legislation. These changes will not affect the basic principles of the Scheme and will ensure that the CTR Scheme for working age customers continues to be aligned to the CTR scheme for pensioners and the Housing Benefit scheme.

5. That the effect of the changes outlined above, are reviewed in one year's time, with a view to considering whether any further alterations are required.

f) **Cabinet – 2 December 2015**
The Overview and Scrutiny Committee – 7 December 2015

Update on Creative Enterprise Centre, Street Care Depot and Storage Premises, Winchester (Less Exempt Appendices)

The Leader of the Council, Councillor Godfrey, moved that Cabinet Recommended Minute 422 be approved and adopted. The item was seconded and introduced by the Portfolio Holder for Estates, Councillor Miller.

RESOLVED:

1. That Cabinet Recommended Minute 422 be approved and adopted.

2. That the Recommended Minute 465 of The Overview and Scrutiny Committee, be noted.

7. **NOTICES OF MOTION**

1. The following Notice of Motion had been submitted by Councillor Burns.

"That, in view of the fact that the contractor has failed to satisfy conditions as follows:

- 1) funding provision, affordable house provision and viability conditions;
- 2) a Work Commencement Date condition;
- 3) pre-commencement of work conditions under the Development

Agreement dated 22nd December 2004, and
4) conditions precedent to the grant of planning permission dated 9th
February 2009,

this Council recommends to Cabinet that the Council issues notice to terminate the contract with THRE (trading as Silverhill Winchester (No 1) Limited) forthwith, so that it might proceed to procure the contract in a lawful fashion."

In view of the announcement of the Leader earlier in the meeting with regard to the Cabinet meeting on 13 January 2016 and the Special Council on 28 January 2016 to consider the Silver Hill development, Councillor Burns decided not to proceed with the Notice of Motion.

2. The following Notice of Motion had been submitted by Councillor Janet Berry.

"This Council notes that food is essential to life, has a major influence on health and well-being, is important in our ability to participate in society, that poor diet is a significant contributor to ill-health, and that food poverty is damaging to the health and wellbeing of individuals and communities.

This Council believes that taking action on food can provide an opportunity not only to address these issues, but also to improve the economy and vitality of the city, promoting a vibrant and varied sustainable food economy.

This Council is further concerned that more needs to be done to reduce food waste and the impact of the food system on the environment.

This Council resolves to work in a cross-sector partnership approach to investigate action around food that can bring economic, social, educational and environmental benefits to Winchester and its residents, including working towards Sustainable Food City status and developing a food strategy and action plan."

The Motion was seconded by Councillor Gosling.

During the debate which followed, the following points were raised for future consideration:-

- The importance of the key objectives from achieving Sustainable Food City Status was acknowledged.
- Bournemouth Borough Council's Food City status was referred to, as were the various associated initiatives delivered to date.
- It was suggested that all councils had a key role in promoting all aspects of the associated wellbeing of individuals and communities from action on food. It was proposed that the Council investigate (via the Health and

Wellbeing Board) the possibility of establishing Winchester as a Sustainable Food City.

RESOLVED:

That the Notice of Motion be referred to a future of Cabinet for further investigation and report back to Council.

3. The following Notice of Motion had been submitted by Councillor Tod.

“This Council notes:

- that Local Plan Policy CP3 states “In order to help meet affordable housing needs, all development which increases the supply of housing will be expected to provide 40% of the gross number of dwellings as affordable housing, unless this would render the proposal economically unviable.”
- that developers are increasingly challenging social and affordable housing contributions on the grounds of viability
- that some councils are now successfully introducing policies designed to address this issue
- that, in a series of rulings, the Information Commissioner is requiring increasing amounts of the information provided in viability calculations to be made publicly available for proper public scrutiny.

This Council believes there is a strong public interest in protecting the provision of social and affordable housing in the Winchester District and that it should introduce the toughest possible policies in order to prevent developers and landowners using viability assessments to unjustifiably reduce their contribution to social and affordable housing in the district.

This Council therefore resolves to ask Cabinet to bring forward a policy statement including the following key elements:-

- All developers putting forward schemes which don't meet our affordable housing policies will be required to submit an Open Book Viability Assessment
- Any Viability Assessment submitted by any developer must be reviewed by an independent external expert at the cost of the applicant;
- In addition, the Council will require that a statutory declaration is signed by a director of the applicant company and a suitable representative of the organisations providing development finance that all the information in their statement is true and accurate;
- The council will also require a legal declaration that the developer's agent is not instructed on a performance related pay basis whereby their fees increase if they are successful in reducing planning obligations;

- Throughout any viability review process the Council should follow a policy of maximum legal openness - as a minimum, in line with the most recent rulings of the Information Commissioner at that time;
- Where a lower proportion of affordable housing is accepted by the Council as an exception, a clawback clause should be included in the Section 106 Agreement to secure higher affordable housing contributions if sales and viability turn out better than predicted.”

The Motion was seconded by Councillor Izard.

During the debate which followed, the following points were raised for future consideration:-

- It was proposed that the Council should continue to take a robust approach when working with developers, to ensure maximum benefit from its affordable housing policies.
- Any revised policy statement should not inadvertently cause delay to development – such as from potential legal challenge.
- It was suggested that as buying homes was increasingly not an option for some residents, a wide range of affordable housing should be brought forward.
- It was also noted that private rents were also prohibitably expensive for many and therefore all appropriate tenures should be considered.
- A Member said that although it was appropriate to consider enhancing the Council’s policies to ensure provision of affordable housing, having an adequate supply development land remained an issue. Therefore, off site contributions should ideally be avoided in the majority of cases.

RESOLVED:

That the Notice of Motion be referred to a future of Cabinet for further investigation and report back to Council.

8. **MEMBERSHIP CHANGES TO COMMITTEES**

RESOLVED:

That Councillor Evans be confirmed as the Liberal Democrat representative on the on the Appointments Committee.

9. **EXEMPT BUSINESS**

RESOLVED:

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. That the public be excluded from the meeting during the consideration of the following item of business because it is likely that, if members of the public were present, there would be disclosure to them of exempt information as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
###	Exempt Minute of the Ordinary Meeting of the Council held 4 November 2015) Information relating to a particular individual. (Para 1 to Schedule 12A refers).
	• Organisational Development) Information which is likely to reveal the identity of an individual. (Para 2 to Schedule 12A refers)
##	Update on Creative Enterprise Centre, Street Care Depot and Storage Premises, Winchester (Exempt Appendices)) Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Para 3 Schedule 12A refers)

10. **EXEMPT MINUTES**

RESOLVED:

That the exempt minute of the Ordinary Meeting of the Council held on 4 November 2015 be approved and adopted.

11. **Cabinet – 2 December 2015**
The Overview and Scrutiny Committee – 7 December 2015

Update on Creative Enterprise Centre, Street Care Depot and Storage Premises, Winchester (Exempt Appendices)

RESOLVED:

That the Exempt Appendices be noted.

The meeting commenced at 7.00pm, adjourned between 10.05pm and 10.25pm and concluded at 11.10pm.

The Mayor